

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LARRY LLOYD,

Plaintiff,

v.

SHAWN BUZELL, ROCHA
PASCUAL, KEITH A. HALL,

Defendant.

CASE NO. 3:18-CV-06038-RBL-DWC

ORDER DENYING MOTION FOR
LEAVE TO FILE FIRST AMENDED
COMPLAINT

THIS MATTER is before the Court on Petitioner Lloyd's Motion for Leave to file his First Amended Complaint. Dkt # 44. On August 20, 2019, the Magistrate Judge recommended dismissing Lloyd's case for his five-month failure to respond to Defendants' Motion to Dismiss. Dkt # 34. The Court adopted the Magistrate Judge's recommendation and dismissed the case without prejudice on September 6, 2019. The Judgment dismissing the case was entered on September 9, 2019. Dkt # 36. Following the dismissal, Lloyd filed motions for reconsideration, which were subsequently denied by the Court on October 1, 2019. Dkt # 40.

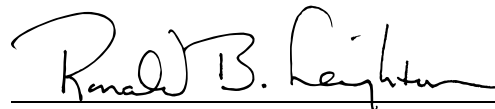
While "Rule 15(a) establishes that leave to amend should be 'freely given [when justice so requires],' post-judgment motions to amend are treated with greater skepticism than prejudgment motions." *Alperin v. The Franciscan Order*, No. C-99-4941 MMC, 2009 WL

1 3809805, at *1 (N.D. Cal. Nov. 13, 2009) (quoting *Premo v. Martin*, 119 F.3d 764, 772 (9th
2 Cir.1997)). The Ninth Circuit has held that “once judgment has been entered in a case, a motion
3 to amend the complaint can only be entertained if the judgment is first reopened under a motion
4 brought under Rule 59 or 60.” *Lindauer v. Rogers*, 91 F.3d 1355, 1357 (9th Cir. 1996), as
5 amended (Sept. 4, 1996); *see, e.g., Premo*, 119 F.3d at 772 (finding proper the district court’s
6 denial of leave to amend after summary judgment was granted where the party seeking post-
7 judgment leave to amend had ample opportunity to do so before judgment was entered).

8 Lloyd seeks to amend his complaint a month after the Court dismissed his case, and
9 nearly two weeks after the Court denied his Motions for Reconsideration. Although he had
10 ample time to do so, Lloyd never filed a motion for leave to amend his Complaint before the
11 final judgment was entered by the Court. Lloyd’s motion cannot be entertained by the Court at
12 this time because his motion for reconsideration was denied and the case was not reopened.
13 However, because Lloyd’s case was dismissed without prejudice, Lloyd can refile his lawsuit if
14 he wishes. The Motion is DENIED.

15 IT IS SO ORDERED.

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17 Dated this 11th day of October, 2019.

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20 Ronald B. Leighton
21 United States District Judge
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